UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 October 2003</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>4,10/01 6,10/03</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1>   Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2>   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in
> the United States before the invention thereof by the applicant for patent, or on an international
> application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section
> 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection

Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29,

2000. Therefore, the prior art date of the reference is determined under 35 U.S.C.

102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3>   Claims 1, 6, 7, 11, 12, 16 and 17 are rejected under 35 U.S.C 102(e) as being

anticipated by Berstis, U.S Patent No. 6.182.122 ["Berstis"].

4>   Berstis discloses a system for facilitating communication between a user and a

network of information items [abstract], comprising:

        a remote data storage device for storing the information items, wherein the

information items are stored in the form of pages, and wherein the pages contain a

plurality of links to other information items [column 2 <line 66> to column 3 <line 4> |

column 8 <line 66> to column 9 <line 7> | column 9 <lines 35-50>];

a client device having a user interface program thereon, for allowing a user to

interface with the network and request the information items [column 1 <lines 47-

54>];

a server device, in communication with the client device and in

communication with the remote storage device, for handling information requests

from multiple clients and for storing information retrieved from the data storage

devices locally in a server cache memory [column 6 <line 60> to column 7 <line 27> |

column 8 <line 66> to column 9 <line 7> | claim 1];

a data collection module for collecting and storing successive user actions

[column 10 <lines 48-51> | claims 1 and 11 where: monitoring the users who access a

specific page is equivalent in functionality to collecting and storing of user actions;

consequently, the intermediate server is equivalent to the claimed data collection

module]; and

a probability module in communication with the data collection module for

calculating a probability for the links, and for comparing the probability to a

predetermined threshold value to identify predicted links, and for retrieving the

predicted information items associated with the links from the remote data storage

devices and storing the predicted information items in the server cache memory in

advance of a user request for the selected information items [column 10 <lines 5-9 and

lines 36-51 | claims 1, 24 and 26> where: selecting which links to prefetch based on a

historical probability is comparable to retrieving predicted information items based on

a predetermined threshold value].

5>   As to claim 2, Berstis discloses the system of claim 1, wherein the probability

module updates the probabilities assigned to the links with each successive user

activity [column 10 <lines 48-51> | claim 1 where: the historical probability is dependant

upon monitoring the number of users which access a particular page (user activity)].

6>   As per claims 6, 7, 11, 12, 16 and 17, they do not teach or further define over the

limitations recited in claims 1 and 2. Therefore claims 6, 7, 11, 12, 16 and 17 are also

rejected for the same reasons as set forth in claims 1 and 2, supra.

Claim Rejections - 35 USC § 103

7>   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

8>   Claims 3-5, 8-10, 13-15 and 18-20 are rejected under 35 U.S.C 103(a) as being

unpatentable over Berstis, as applied to claim 1 above, in view of Barrett et al, U.S

Patent No. 5.727.129 ["Barrett"].

9>   Barrett was cited by Applicant in IDS #4, dated 1.8.2002.

10>   As to claim 3, Berstis does not disclose a system wherein the probability

module aborts retrieving the predicted information items if the user requests an

information item other than the predicted information items.

11>   Barrett teaches a network data communication system wherein a probability

module aborts the retrieval of predicted information items if the user requests an

information item other than the predicted information items [abstract | Figure 7

<items 58, 64> | column 9 <lines 1-16>]. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to implement the functionality of

module-initiated abortion of the retrieval of predicted information items in Berstis'

probability module. One would have been motivated to do this implementation to

prevent unnecessary downloading of unwanted content in Berstis' system.

12>   As to claim 4, Berstis does not disclose a system wherein the probability

module continues retrieving the predicted information items from the remote data

storage devices and storing the predicted information items in the server cache

memory if the user requests the predicted information item.

13>   Barrett teaches a system wherein the probability module continues retrieving

the predicted information items from the remote data storage devices and storing the

predicted information items in the server cache memory if the user requests the

predicted information item [abstract | column 9 <lines 1-16>]. It would have been

obvious to one of ordinary skill in the art to include the functionality of Barrett's

probability module into Berstis' module to increase the amount of control the module

has over the prefetching of predicted data. One would have been motivated to

combine these teachings to allow the module to anticipate user actions, and if

correctly predicted, to continue with the downloading of the anticipated content.

14>   As to claim 5, Berstis discloses the system of claim 4, wherein the probability

module downloads the user requested information item to the client from the server

cache memory [column 8 <lines 40-46>].

15>   As to claims 8-10, 13-15 and 18-20, they do not teach or further define over the

limitations recited in claims 3-5. Therefore, claims 8-10, 13-15 and 18-20 are also rejected

for the same reasons as set forth in claims 3-5, supra.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S Patent No. 6.385.641 to Jiang et al;

U.S Patent No. 6.591.288 to Edwards et al

Duchamp, Dan. "Prefetching Hyperlinks". Proceedings of the 2nd

USENIX Symposium on Internet Technologies & Systems, October 11-14,

1999, Boulder, Colorado, USA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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